

Remarks

The Office Action is discussed in detail below. Support for amendments and new claims are found in the specification as filed. No new matter has been added.

Double Patenting

Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 in U.S. Patent No. 6,617,192.

A terminal disclaimer is provided. Applicant requests that the rejection be removed.

Claim Rejections - 35 USC 103

Claims 1-9 are rejected under 35 USC 103(a) as being unpatentable over Wolstenholme et al 6,236,059 in view of Gonzalez et al 2002/0020835 and Gonzalez et al 6,369,431.

Applicant's independent claim 1 (as amended) recites:

1. A method of making an electrically programmable memory element, comprising the steps of:

- providing a first conductive material;
- removing a portion of said first conductive material;
- replacing at least a portion of said removed first conductive material with a second conductive material, said second conductive material having a resistivity which is greater than the resistivity of said first conductive material; and

introducing a programmable resistance material proximate to said second conductive material and distant from said first conductive material.

Wolstenholme discloses a method of forming a programmable memory element comprising the steps of:
providing a first material 120 of polysilicon, fig. 18-19 and col 9 lines 6+,
removing a portion of first material 120,
replacing at least a portion of first material 120 with a second material 185 of TiN, or silicon nitride 190
introducing a programmable resistance material 200 proximate to the second material and distant from the first material.

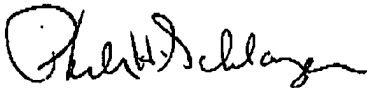
However, neither Wolstenholme, Gonzalez '835, or Gonzalez '431 teaches or suggests that the first material be replaced with a second conductive material having a resistivity which is greater than the resistivity of the first material as claimed by applicant in claim 1 as amended (note that the silicon nitride 190 in Wolstenholme is an insulator and not a conductive material).

Hence, in view of the amendment to applicant's claim 1, the rejection of claims 1-9 under 35 USC 103(a) as being unpatentable over Wolstenholme in view of Gonzalez '835 and Gonzalez '431 as been overcome and applicant requests it be removed.

SUMMARY

Claim 1 has been amended. Claims 2-5, 8, 9 have been canceled. In view of the amendments and remarks, the remaining claims 1, 6, 7 and 10 are in condition for allowance. Applicant respectfully requests reconsideration, withdrawal of the outstanding rejections, and notifications of allowance. Should the Examiner have any questions or suggestions regarding the prosecution of this application, he is asked to contact applicant's representative at the telephone number listed below.

Respectfully submitted,



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